

On August 5, 1942, the United States attorney for the Middle District of Georgia filed an information against Howard Dasher, trading as Dasher Pecan Co. at Valdosta, Ga., alleging shipment on or about January 31 and March 17, 1942 from the State of Georgia into the States of Florida and New York of quantities of shelled pecans that were adulterated in that they consisted in whole or part of filthy substances.

On February 26, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$200.

**4686. Adulteration of shelled pecans. U. S. v. 32 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 9580. Sample No. 18532-F.)

Examination of this product showed the presence of moldy or decomposed, rancid, shriveled, and insect-cut nuts containing insect excreta.

On March 19, 1943, the United States attorney for the Southern District of New York filed a libel against 32 60-pound cartons of shelled pecans at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6 and 13, 1943, by the Associated Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or part of a filthy and decomposed substance. The article was labeled in part: "Health Food, Nature's Vitamins, \* \* \* South Georgia Pecan Co., Valdosta, Ga."

On May 5, 1943, I. Grob & Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**4687. Adulteration of shelled peanuts. U. S. v. 29 Bags of Shelled Peanuts. Default decree of condemnation and destruction.** (F. D. C. No. 8712. Sample No. 12424-F.)

This product was infested with live worms, insect-cut or tunneled, and contaminated with webbing and excreta.

On November 12, 1942, the United States attorney for the Western District of Washington filed a libel against 29 100-pound bags of shelled peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the Edenton Peanut Co. from Edenton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "No. 2 Virginia Tea Party Brand Shelled Peanuts."

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

**4688. Adulteration of peanuts. U. S. v. 60 Bags of Shelled Raw Peanuts. Default decree of condemnation and destruction.** (F. D. C. No. 8338. Sample No. 12137-F.)

This product was decomposed, moldy, dirty, and insect damaged.

On September 12, 1942, the United States attorney for the Western District of Washington filed a libel against 60 100-pound bags of shelled raw peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by the C. S. Carter Shelling Plant from Camilla, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4689. Adulteration and misbranding of peanut butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 8755. Sample Nos. 92484-E, 92485-E, 93519-E.)

This product contained rodent excreta, rodent hairs, and dirt, and portions were short of the declared weight.

On January 7, 1943, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation, Fort Worth, Tex., alleging shipment on or about February 10 and March 24, 1942, from the State of Texas into the States of Oregon, Washington, and Arizona of quantities of peanut butter that was adulterated and misbranded. The article was labeled in part: "Jane Goode Peanut Butter 2 Lbs. Net Weight [or "1 Lb. Net Weight," or "1 Lb. 8 Oz. Net"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Portions of the product contained in the 1-pound and 1-pound 8-ounce jars were alleged to be misbranded in that the labels failed to bear an accurate statement of the quantity of the contents in terms of weight, since the jars contained smaller amounts than declared on the labels.

On February 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**4690. Adulteration and misbranding of peanut butter. U. S. v. Thomas Alexandria Jordan and Henry Lewis Land (Old Reliable Peanut Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 8732. Sample Nos. 77812-E, 84586-E, 84587-E.)**

Samples of this product were found to contain hairs resembling rodent hairs and dirt. Portions were also short weight.

On December 14, 1942, the United States attorney for the Eastern District of Virginia filed an information against Thomas Alexandria Jordan and Henry Lewis Land, trading as the Old Reliable Peanut Co., Suffolk, Va., alleging shipment on or about March 14, 1942, from the State of Virginia into the State of New York of a quantity of peanut butter that was adulterated and misbranded. The article was labeled in part: "Golden Tint Brand \* \* \* Peanut Butter \* \* \* 2 Lbs. [or "24 Ozs."] Net Weight."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

Portions of the article were alleged to be misbranded in that they were in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight since some of the jars were labeled "24 Ozs. Net Weight," and the remainder were labeled "2 Lbs. Net Weight," whereas the jars contained less than 24 ounces.

On May 19, 1943, a plea of guilty having been entered, the court imposed a fine of \$50.

**4691. Misbranding of chocolate peanut butter. U. S. v. 43 Cases of Chocolate Peanut Butter. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 8658. Sample No. 14413-F.)**

This product was not a mixture composed of chocolate and peanut butter as indicated by its labeling, but was composed essentially of peanut butter with substantial amounts of sugar, water, and corn sirup, flavored with cocoa.

On November 5, 1942, the United States attorney for the District of Oregon filed a libel against 43 cases, each containing 1 dozen jars, of chocolate peanut butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Elizabeth Mote from Los Angeles, Calif.

The article was alleged to be misbranded: (1) In that the statements in the labeling "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," were false and misleading since they represented and suggested that the article was a mixture of peanut butter and chocolate, whereas, it was not a mixture of peanut butter and chocolate. (2) In that the following statements: "Vitamin Enriched \* \* \* each pound contains not less than Vitamin B<sub>1</sub> (Thiamin) 1250 Intl. Units, Vitamin G (B<sub>2</sub> or Riboflavin) 1000 Micrograms, Nicotinic Acid (a B complex vitamin) 20000 Micrograms, Pantothenic Acid (a B complex vitamin) 2500 Micrograms," were misleading since the statement "Vitamin Enriched" and the declaration of vitamin content in terms of International units and weight (micrograms) suggested that the article had been fortified with substantial quantities of the vitamins listed, whereas it had not been fortified with substantial amounts of the named vitamins except vitamin B<sub>1</sub>. (3) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. (4) In that it purported to be and was represented as a food for special dietary uses and its label failed to bear such information concerning its vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order to inform purchasers fully as to its value for such uses since its label failed to state the proportion of the minimum daily requirement of vitamin B<sub>1</sub> and riboflavin contained in a specified quantity of the article, and failed to state that the need for pantothenic acid in human nutrition has not been established.

On December 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.